MAR 0 5 2004

ttorney Docket No.: 10351.200-US

**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yaver et al.

Confirmation No: To be assigned

Serial No.: 10/716,793

Group Art Unit: To be assigned

Filed: November 18, 2003

Examiner: To be assigned

For: Promoter Variants For Expressing Genes In A Fungal Cell

## INFORMATION DISCLOSURE STATEMENT (IDS) UNDER 37 CFR 1.97(b)

Mail Stop DD Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants submit herewith references which may be material to the patentability of this application and with respect to which there may be a duty to disclose. While the references may be material under 37 C.F.R. 1.56, it is not intended to constitute an admission that the references are prior art. The filing of this IDS shall not be construed as a representation that no other material references than those listed exist or that a search has been conducted.

The references are listed in Form PTO/SB/08A, which is in accordance with the requirements of M.P.E.P. 609. A copy of the references is enclosed. It is respectfully requested that these references be considered by the USPTO in its examination of the above-identified application and be made of record therein.

This IDS is being filed **before** the mailing date of a first Office action on the merits. Therefore, no fee is due.

Date: March 3, 2004

Robert L. Starnes, Reg. No. 41,324

Novozymes Biotech, Inc. 1445 Drew Avenue Davis, CA 95616

Respectfully submitted

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## **CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)**

Mail Stop DD Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

- 1. Information Disclosure Statement
- 2. Form PTO/SB/08A
- 3. Copy of References

is being deposited with the United States Postal Service as first class mail in an envelope addressed to the address indicated above on March 3, 2004.

Seleste Buriani
(name of person mailing paper)

(signature of person mailing paper)

PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Wubstitute for form 1449A/PTO Complete if Known **Application Number** 10/716,793 INFORMATION DISCLOSURE Filing Date November 18, 2003 STATEMENT BY APPLICANT First Named Inventor Yaver et al. Art Unit (use as many sheets as necessary) To be assigned **Examiner Name** To be assigned Sheet of **Attorney Docket Number** 10351.200-US

U.S PATENT DOCUMENTS							
Examiner Initials	Cite No. 1	Document Number  Number – Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
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FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. 1	Foreign Patent Document  Country Code 3 – Number 4 – Kind Code 5 (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Т 6		
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.